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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,544	02/16/2001	Erich Geiger	Westphal.6080	5200

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EXAMINER

TRAN, DALENA

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 08/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/785,544

Applicant(s)

GEIGER ET AL.

Examiner

Dalena Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 2/16/01
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

**Notice to Applicant(s)**

1. This application has been examined. Claims 1-24 are pending.
2. The prior art submitted on 5/17/01 has been considered.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 5-6, 16-17, 19, and 23-24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Garthwaite et al. (6,124,826) in view of Ito (6,253,152).

As per claims 1 and 24, Garthwaite et al. disclose a navigation system for use in a motor vehicle, comprising: a data input unit through which a user enters start position data and destination position data and provides received start position data and destination position data (see columns 3-4, lines 60-33); a communication unit that receives supplemental navigation data including detailed information of digital road maps, and provides receives supplemental navigation data (see columns 4-5, lines 34-5; and column 3, lines 26-45); and a data output unit for outputting driving direction to the user (see column 3, lines 44-59). Garthwaite et al. does not clearly mention first and second memory unit. However, Ito mentions a first memory unit stores a basic navigation database including road map information (see column 6, lines 17-38); a second memory unit receives and stores received supplemental navigation data (see column 6, lines 39-63); and a navigation computer receives start and destination position data, and

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computes driving directions between the starting and destination position using information from basic navigation database and received supplemental navigation data (see column 5, lines 5-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Garthwaite et al. by mention a first memory unit, a second memory unit, and a navigation computer receives start and destination position data for controlling data transmission for use in route guidance.

As per claim 2, Garthwaite et al. disclose communication unit includes a wireless receiver that receives supplemental data (see the abstract).

As per claim 5, Garthwaite et al. disclose data output unit comprises a display for presenting driving directions to the user (see column 3, lines 43-59).

As per claim 6, Ito discloses supplemental navigation data comprises graphic data for presentation on display (see columns 6-7, lines 62-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Garthwaite et al. by mention supplemental navigation data comprises graphic data for presentation on display for assisting the driver finding the correct route to the destination.

As per claims 16-17, Garthwaite et al. disclose a position locating unit comprises a GPS receiver (see column 3, lines 26-43).

As per claim 19, Garthwaite et al. disclose communication unit comprises a memory configured to received a data medium that includes supplemental navigation data (see columns 1-2, lines 55-45).

Claim 23 is method claim corresponding to system claim 1 above. Therefore, it is rejected for the same rationales set forth as above.

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5. Claim 3, is rejected under 35 U.S.C.103(a) as being unpatentable over Garthwaite et al. (6,124,826), and Ito (6,253,152) as applied to claim 1 above, and further in view of Van Roekel (6,127,969).

As per claim 3, Van Roekel discloses wireless receiver includes a GSM receiver (see column 6, lines 10-24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Garthwaite et al. by mention wireless receiver includes a GSM receiver to provide simple, and reliable indication of direction information to a driver.

6. Claim 4, is rejected under 35 U.S.C.103(a) as being unpatentable over Garthwaite et al. (6,124,826), and Ito (6,253,152) as applied to claim 1 above, and further in view of Brown et al. (6,366,622).

As per claim 4, Brown et al. disclose wireless receiver receives supplemental navigation data via a Bluetooth compatible communication protocol (see columns 3-4, lines 10-49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Garthwaite et al., and Ito by mention wireless receiver receives supplemental navigation data via a Bluetooth compatible communication protocol to reduce an interferer causing problems in the reception of a signal.

7. Claims 7-11, are rejected under 35 U.S.C.103(a) as being unpatentable over Garthwaite et al. (6,124,826), and Ito (6,253,152) as applied to claim 2 above, and further in view of Kadaba et al. (6,298,305).

As per claims 7-11, Kadaba et al. mention first memory unit comprises a wide variety of memory such as a compact disk, a digital video disk, a hard disk, and a read-only memory (see

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column 3, lines 7-46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Garthwaite et al. by mention a wide variety of memory such as a compact disk, a digital video disk, a hard disk, and a read-only memory for reading and writing data in navigation system.

8. Claims 12-15, and 18, are rejected under 35 U.S.C.103(a) as being unpatentable over Garthwaite et al. (6,124,826), and Ito (6,253,152) as applied to claim 2 above, and further in view of Ito et al. (6,128,571).

As per claims 12-15, Ito et al. mention second memory unit comprises a hard disk, a flash-random access memory, a dynamic random access memory, and navigation computer, data input unit, data output unit, first, second memory, and communication unit are arranged in a ring communication network (see columns 8-9, lines 57-29; and columns 10-11, lines 47-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Garthwaite et al. by mention second memory unit comprises a hard disk, a flash-random access memory, a dynamic random access memory, and navigation computer, data input unit, data output unit, first, second memory, and communication unit are arranged in a ring communication network for storing guidance information as to a destination or target object under search.

As per claim 18, Ito et al. mention received supplemental navigation data comprises data for used by navigation computer to provide routine search and destination directions relating to a starting position, an intermediate destination, and a final destination specified by the user (see columns 7-8, lines 56-55).

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9. Claims 20-22, are rejected under 35 U.S.C.103(a) as being unpatentable over Garthwaite et al. (6,124,826), and Ito (6,253,152) as applied to claim 19 above, and further in view of Hessing (6,334,089).

As per claims 20-22, Hessing mentions data medium comprises a compact disk, a digital video versatile disk, and an IC memory card (see columns 5-6, lines 29-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Garthwaite et al. by mention data medium comprises a compact disk, a digital video versatile disk, and an IC memory card to store routes to all eventually possible destinations in preparing the route in a timely manner up to the start of travel.

### **Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

. Morimoto et al. (6,067,500)

. Nimura et al. (6,202,026)

. Loffert et al. (6,308,133)

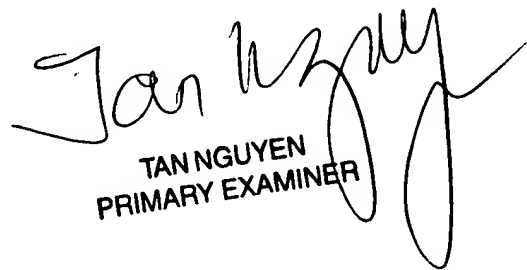
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 703-308-8223. The examiner can normally be reached on M-F (7:30 AM-5:30AM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on 703-308-3873. The fax phone numbers for

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the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
TAN NGUYEN  
PRIMARY EXAMINER

/dt  
August 19, 2002